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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,489	03/15/2004	Chi-Yin Wong	010327-008310US	1219
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TOWNSEND AND TOWNSEND AND CREW, LLP			EXAMINER	
TWO EMBARCADERO CENTER			WU, JIANYE	
EIGHTH FLOOR			ART UNIT	PAPER NUMBER
SAN FRANCISCO, CA 94111-3834			2616	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/801,489	<b>Applicant(s)</b> WONG, CHI-YIN
	<b>Examiner</b> JIANYE WU	<b>Art Unit</b> 2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 3/31/08.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments and all other documents filed on 3/31/2008 have been fully considered but they are not persuasive.
2. Applicant argues "VMOA fails to teach at least control logic for formatting channelizedc circuit data".

In response, VMOA teaches control logic for formatting channelizedc circuit data as shown in Figure 1, where CP-IWF formats channelized circuit data from Customer Telephony Equipment to ATM network.

3. Applicant argues validate field in AAL2 PDU "applies to every octet of data in the payload" and "does not correspond to individual octets in the payload and indicates whether the data in an associated octet is valid".

In response, each validate field of an AAL2 PDU is associated with every octet of the payload in AAL2 PDU, therefore, each validate field has an associated octet (and another associated octet and another associated octet, etc.). Note that claim language says the fields and octets correspond, which is a many:many correspondence, "the associated octet" doesn't lack antecedent basis and is interpreted as one of the associated octets. Therefore, the claim limitation doesn't preclude one validity field corresponding to two or more octets. The claim language is not narrowly enough and it fails to make it absolutely clear that it is a 1:1 relationship between validity fields and octets.

4. In response to Applicant's request for documentary evidence on Official Notice on the validation field of ALL2 cell, Examiner presents McLoughlin et al. "Adapting Voice For ATM networks, An AAL2 Tutorial", 1997, page 5, Figure 4, field P is the validation field that is applied to every octet in the payload. Also, in VMOA, Figure C-2 shows validation field of "SSTED CRC-32" or "FCS" that applies to payload of AAL2.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-15** are rejected under 35 U.S.C. 102(b) as being anticipated by ATM Forum, AF-VMOA-0145.000, "Voice and Multimedia Over ATM – Loop Emulation Service Using AAL2", July, 2000, (hereinafter VMOA).

For **claim 1**, VMOA discloses a system for managing circuit emulation service over an ATM network (Figure 1 of Page 10), comprising:

control logic configured to receive channelized circuit data (User traffic, Figure 2 of Page 12), the channelized circuit data being transmitted at an arbitrary rate (lines1-7 of Section 1.1, Page 6);

control logic configured to format the channelized circuit data into one or more ATM cells, each ATM cell having a payload, the payload having a plurality of octets and corresponding validity fields (SSTED CRC-32 Figure C-2, page 74), each validity field indicating whether the associated octet contains valid data (CRC-32 is interpreted as an

validity field for each octet of the payload since it applied to all the octets of the payload); and

control logic configured to transmit the one or more ATM cells across the ATM network (Figure 1 of Page 10);

wherein the transmission of the one or more ATM cells effectively results in transmission of the channelized circuit data at the arbitrary rate over the ATM network (Figure 1 of Page 10); and

wherein the arbitrary rate is not a multiple of a fundamental rate (lines1-7 of Section 1.1, Page 6; e.g., rate for compressed voice).

As to **claim 2**, VMOA discloses the system of claim 1 wherein the arbitrary rate is less than the fundamental rate (lines1-7 of Section 1.1, Page 6; e.g., rate for compressed voice).

As to **claim 3**, VMOA discloses the system of claim 1 wherein the arbitrary rate is higher than the fundamental rate (multiple User traffic, Figure 2 of Page 12).

As to **claim 4**, VMOA discloses the Traffic aggregation equipment incorporating the system as recited in claim 1 (Figure 2 of Page 12).

For **claim 5**, it is the corresponding system claim of claim 1, therefore, is rejected for the same reason explained in claim 1 above.

As for **claim 6**, it is the same as to claim 5, therefore, is rejected for the same reason explained in claim 5 above.

As for **claim 7**, it is equivalent to system claim of claim 2, therefore, is rejected for the same reason explained in claim 2 above.

As for **claim 8**, it is equivalent to system claim of claim 3, therefore, is rejected for the same reason explained in claim 3 above.

For **claims 9-11**, they are the corresponding method claim of claims 1-3, therefore, are rejected for the same reasons explained in claims 1-3 above.

For **claims 12-15**, they are the corresponding method claim of claims 5-8, therefore, are rejected for the same reasons explained in claims 5-8 above.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianye Wu whose telephone number is (571)270-1665. The examiner can normally be reached on Monday to Thursday, 8am to 7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571)272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jianye Wu

06/06/2008

/Kevin C. Harper/  
Primary Examiner, Art Unit 2616